

REMARKS

Claims 1-6, 8, 10, 12-17 and 43-47 are pending. No claims are amended, cancelled or added. Reconsideration of the application is requested.

Claims 1-6, 8, 10, 15, 17, 43-44 and 46-47 stand rejected under 35 U.S.C. 102(b) as being anticipated by Vachon (U.S. 5,833,715). Contrary to the Examiner's assertion, Vachon fails to teach, among other things, a single point electrode located on the catheter body at a distal end of the catheter body, e.g. as required by pending claim 1. Vachon discloses a pacing lead. The distal sleeve 102 is interpreted in the Office Action as a single point electrode. Sleeve 102, however, is a biocompatible elastomeric material (col. 5, lines 63-65) which may include metallic rings 104 for viewing by the use of a fluoroscope. Sleeve 102 is not electrically conductive and neither sleeve 102 nor rings 104 are described as electrodes nor taught to be coupled to an electrical conductor such that they would be functional as electrodes. It necessarily follows that Vachon fails to teach, suggest or imply an electrical stimulus to the tissue site is delivered through the single point electrode (located at the catheter distal end) and the probe since Vachon is silent regarding a single point electrode located on the catheter body. For at least this reason, Applicant respectfully asserts, the rejection based solely on Vachon is improper and should be withdrawn.

Claims 12-14, 16 and 45 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable over Vachon (U.S. 5,833,715) in view of Epstein (U.S. 6,835,193) and additionally cited references. Vachon has been discussed above. Epstein discloses a catheter but fails to remedy the deficiencies of Vachon. In particular, Epstein fails to teach, suggest or imply a single point electrode located on the catheter body at a distal end of the catheter body and coupled to the catheter to detect contact between the catheter and the tissue site; and an electrical stimulus to the tissue site is delivered through the single point electrode and the probe.

Moreover, Applicant believes the Vachon and Epstein references are not properly combinable in the manner suggested by the Examiner. Epstein discloses a fluid source attached via a fluid connector to the proximal end of hollow needle 6. Vachon teaches an electrical interconnect 184 having a hollow central body 190 defining chamber 192. Chamber 192 is in open communication with the axial bore of syringe 186 which extends distally from the pacing lead. Chamber 192 is not in open communication with any lumen whatsoever extending proximally through the pacing lead. Vachon's pacing lead requires a proximal connector assembly 28, as shown in Fig. 1, for electrical connection to a pacing device. Accordingly, it would not be obvious to a skilled artisan to add the proximal end supply attachments of Epstein to the pacing lead of Vachon as suggested by the Examiner since such supply attachments would not be combinable with Vachon's connector assembly and such attachments would not be in open communication with Vachon's chamber 192. For this reason as well, Applicant respectfully asserts the rejection based on the combination of Vachon and Epstein is improper and should be withdrawn.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to

charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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